## REMARKS

Claims 1-7 are pending in the present application. Claim 1 has been amended for clarity. Support for the amendment can be found throughout the application, for example, at least at Figs. 5, 7, 8 and ¶¶[0035]-[0037], [0068]-[0069] and [0099]. Claim 7 has been added. Claim 1 is the only independent claim.

### *Interview Summary*

Applicants would like to thank Examiner Plucinski for the courtesy extended in the interview conducted on October 15, 2009. During the interview, the rejection under 35 U.S.C. § 103(a) was discussed and possible claim amendments were considered. Applicant agreed to present claim amendments and argument in this written response.

### *Rejections under § 103(a)*

Claims 1-3, 5 and 6 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 6,151,588 to Tozzoli *et al.* ("Tozzoli") in view of *Retail Decision and I4 Commerce Form Alliance to Provide the Bill Me Later Payment Option for LiveProcessor Users*, Business Wire ("Business Wire"). Claim 4 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Tozzoli in view of Business Wire in further view of U.S. Patent No. 6,539,360 to Kadaba ("Kadaba").

Applicants respectfully submit that the claims patentably define over the cited references because the cited references do not disclose, teach or suggest the features recited in the claims as a whole including ***tracking delivery state information that includes a confirmation time confirming the delivery state at a checkpoint and a moving state of being in the vicinity of a location***.

Claim 1 recites, *inter alia*, receiving from delivery state information from a deliverer side terminal and storing the delivery state information in a storage means. The delivery state information may include a moving state of being in the vicinity of a location. Applicant has amended claim 1 to clarify that delivery state information also includes a confirmation time confirming the delivery state at a checkpoint.

The Office Action does not assert that the cited references teach a delivery state information with a granularity of a confirmation time confirming the delivery state at a checkpoint and a moving state of being in the vicinity of a location. Rather, the Office

Action suggest that "a moving state of being in the vicinity of a building or an intersection" is non-functional descriptive information because the specific information is not positively utilized in any of the steps (*see* Office Action, page 7, ¶1).

To further prosecution, Applicants have amended claim 1 to positively recite *tracking delivery state information*. Support for the amendment may be found at least at Fig. 5 and ¶¶ [0068]-[0069] of the Specification ("the processing means receives the delivery state information... from the delivery side terminal of the sending shop and the delivery state terminal of the destination shop").

For at least the foregoing reasons, independent claim 1 patentably defines over the teachings of Tozzoli, Business Wire and Kadaba as applied. As claims 2-7 depend from claim 1, claims 2-7 also patentably define over the teachings of the cited references.

Accordingly, for at least the foregoing reasons, Applicant respectfully submits that the claims patentably define over the cited art. Applicant respectfully submits that the present application is in condition for allowance and requests reconsideration of the application and a Notice of Allowance for claims 1-7.

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